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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,207	03/12/2004	Robert Kagermeier	P04,0071	7429

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EXAMINER	
PREVIL, DANIEL	
ART UNIT	**PAPER NUMBER**
2636	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/799,207	KAGERMEIER ET AL.	
	Examiner	Art Unit	
	Daniel Previl	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-26 are presented for examination.

Claim Objections

1. Claims 1-26 are objected to because of the following informalities: Claims 1, 11, line 6 in both occurrences, after "position" insert ----;------ . Appropriate correction is required.

Claims 2-10, 12-26 are objected for the same reason since they depend from objected claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 26, the phrase "predeterminable circumstance" is unclear for the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (US 6,282,264).

Regarding claims 1, 11, Smith discloses a safety device that is connectable to a technical device (fig. 42-45) comprising: an emergency activation apparatus (detector 34) selectively attachable to rail 166 so that emergency activation apparatus (detector 34) is shiftable along rail (fig. 42-45; col. 12, lines 35-45); rail emitting a test signal that is received by emergency activation apparatus while emergency activation apparatus (detector 34) is attached thereto independent of a shift position (fig. 42-fig. 45; col. 12, lines 51-67; col. 14, lines 34-51); emergency activation apparatus (detector 34) emitting a response signal that is received by rail independent of its shift position (fig. 42-fig. 45; col. 14, lines 34-67); the safety device being fashioned such that a signal is emitted to the technical device dependent on a receipt of the response signal (col. 14, lines 51-67; col. 15, lines 1-16).

Regarding claim 2, Smith discloses rail includes a test signal emission apparatus via which the test signal is emitted (motion along across rails 166) (col. 12, lines 35-50).

Regarding claim 3, Smith discloses an optical test signal is emitted via test signal emission apparatus (col. 10, lines 54-61).

Regarding claim 4, Smith discloses an electrical test signal is emitted by test signal emission apparatus (col. 10, lines 54-61).

Regarding claim 5, Smith discloses a rail includes a response signal reception apparatus via which the response signal is received (col. 10, lines 54-61).

Regarding claim 6, Smith discloses optical response is received via response signal reception apparatus (col. 10, lines 54-61).

Regarding claim 7, Smith discloses response signal reception apparatus includes a fluorescing fiber (col. 10, lines 54-61).

Regarding claim 8, Smith discloses electrical response signal is received via response signal reception apparatus (fig. 42-fig. 45).

Regarding claim 9, Smith discloses an emergency control device connected to rail via which at least at least one of the test signal is generated and the response signal is received (fig. 42-fig. 45; col. 10, lines 54-61).

Regarding claim 10, Smith discloses emergency control device generates at least one of a test signal that includes an identifier (encoder) that is unambiguously associated with a specific emergency activation apparatus and a response signal is received that includes an identifier (encoder) that is unambiguously associated with a specific emergency activation apparatus (fig. 42-fig. 45; col. 14, lines 34-67).

Regarding claim 12, Smith discloses technical device is a medical-technical device (patient bed) (col. 14, lines 34-51).

Regarding claim 13, Smith discloses an emergency activation system (detector 34) (fig. 42-fig. 45) comprising: an emergency activation apparatus (detector 34) (fig. 42-fig. 45); a rail 166 to emergency activation apparatus is attachable and on which emergency activation apparatus (detector 34) (fig. 42-fig. 45) is shiftable (fig. 42-45; col. 12, lines 35-45); rail emitting a test signal that is received by emergency activation apparatus independent of a shift position on rail (fig. 42-fig. 45; col. 14, lines 34-63); and emergency activation apparatus emitting a response signal dependent on a receipt of the test signal (fig. 42-45; col. 14, lines 34-64); rail receiving response signal independent of the shift position of emergency activation apparatus (fig. 42-45; col. 14, lines 34-64).

Regarding claim 14, Smith discloses rail includes a test signal reception apparatus via which the test signal is received (fig. 42-fig. 45; col. 12, lines 35-50).

Regarding claim 15, Smith discloses an optical test signal is received via test signal reception apparatus (fig. 42-fig. 45; col. 10, lines 54-61).

Regarding claim 16, Smith discloses an electrical test signal is received by test signal reception apparatus (fig. 42-fig. 45; col. 10, lines 54-61).

Regarding claim 17, Smith discloses a response signal emission apparatus via which the response signal is emitted (fig. 42-fig. 45).

Regarding claim 18, Smith discloses optical response is emitted via response signal emission apparatus (fig. 42-fig. 45).

Regarding claim 19, Smith discloses electrical response signal is emitted via response signal emission apparatus (fig. 42-fig. 45).

Regarding claim 20, Smith discloses an emergency key (buttons 38a) dependent on whose operation the response signal is emitted (fig. 1; col. 7, lines 61-65).

Regarding claim 21, Smith discloses an electrical E-stop switch that is activated via operation of emergency key (push and release appropriate button) (col. 7, lines 61-67).

Regarding claim 22, Smith discloses an optical signal path that is interrupted via operation of emergency key (col. 7, lines 47-66).

Regarding claim 23, Smith discloses an identification analyzer (encoder) (col. 14, line 42).

Regarding claims 24-25, Smith discloses an identification analyzer analyses an individual identifier is included in a received test signal, and identification analyzer emits a response signal dependent on a result of the analysis (fig. 42-fig. 45; col. 14, lines 34-67).

Regarding claim 26, Smith discloses emergency apparatus is automatically operated upon detection of a predetermined circumstance (col. 19, lines 3-12).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Khutoryansky et al. (US 5,917,883) discloses radiographic/fluoroscopic imaging system with reduced patient dose and faster transitions between radiographic and fluoroscopic modes.

Yurdin (US 4,372,551) discloses cardiac stress table.

Bradcovich et al. (US 5,490,297) discloses a mobile imaging table.

Goldhorn (US 5,166,588) discloses medical apparatus having an apparatus part which is motor-adjustable relative to a surface in a direction of at least one degree of freedom.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl
Examiner
Art Unit 2636

DP
September 13, 2005.

JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600